

105TH CONGRESS
1ST SESSION

S. 546

To implement the recommendations of the Northern Forest Lands Council.

IN THE SENATE OF THE UNITED STATES

APRIL 10, 1997

Mr. LEAHY (for himself, Mr. GREGG, Mr. JEFFORDS, Ms. SNOWE, Ms. COLLINS, Mr. SMITH of New Hampshire, Mr. MOYNIHAN, Mr. KERRY, Mr. KENNEDY, Mr. REED, and Mr. D'AMATO) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To implement the recommendations of the Northern Forest Lands Council.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Northern Forest Stew-
5 ardship Act”.

6 **SEC. 2. DECLARATIONS.**

7 Congress declares as follows:

8 (1) The 26,000,000-acre Northern Forest re-
9 gion is an extraordinary resource. The forests in the

1 region are rich in natural resources and values cher-
2 ished by residents and visitors: timber, fiber, and
3 wood for forest products and energy supporting suc-
4 cessful businesses and providing stable jobs for resi-
5 dents; lakes, ponds, rivers, and streams unspoiled by
6 pollution or crowding human development; tracts of
7 land for wildlife habitat and recreational use, and
8 protected areas to help preserve the biological integ-
9 rity of the region. This Act is enacted to advance the
10 goals of the Northern Forest Lands Council and to
11 reaffirm the Council's vision of the Northern Forest
12 as a landscape of interlocking parts and pieces, rein-
13 forcing each other: local communities, industrial for-
14 est land, family and individual ownerships, small
15 woodlots, recreation land, and public and private
16 conservation land.

17 (2) This Act effectuates certain recommenda-
18 tions of the Northern Forest Lands Council that
19 were developed with broad public input and the in-
20 volvement of Federal, State, and local governments.
21 The actions described in this Act to implement those
22 recommendations are most appropriately directed by
23 the Northern Forest States, with assistance from the
24 Federal Government, as requested by the States.
25 Implementation of the recommendations should be

1 guided by the fundamental principles laid out by the
 2 Northern Forest Lands Council report. Those prin-
 3 ciples provide the foundation for the intent of this
 4 Act: to support the primary role of the Northern
 5 Forest States in the management of their forests, to
 6 protect the traditions of the region, to emphasize the
 7 rights and responsibilities of the landowners, and to
 8 advance new mechanisms for cooperative conserva-
 9 tion of the Northern Forest lands and its resources
 10 for future generations.

11 **SEC. 3. SUPPORT FOR SUSTAINABLE FOREST MANAGE-**
 12 **MENT.**

13 At the request of the Governor of the State of Maine,
 14 New Hampshire, New York, or Vermont, the Secretary of
 15 Agriculture, acting through the Chief of the Forest Serv-
 16 ice, may provide technical assistance to—

17 (1) support a State-based process, directed by
 18 the State, to define credible benchmarks of sustain-
 19 ability for a variety of forest types to achieve the
 20 principles of sustainability developed by the North-
 21 ern Forest Lands Council;

22 (2) publicize, explain the application of, and
 23 distribute the benchmarks to forest landowners; and

24 (3) educate the public that timber harvesting is
 25 a responsible forest use so long as the long-term

1 ability of the forest to continue producing timber
 2 and other benefits is maintained.

3 **SEC. 4. NORTHERN FOREST RESEARCH COOPERATIVE.**

4 At the request of the Governor of the State of Maine,
 5 New Hampshire, New York, or Vermont, the Secretary of
 6 Agriculture (acting through the Northeastern Forest Ex-
 7 periment Station and the Chief of the Forest Service) may
 8 work with the State, the land grant universities of the
 9 State, natural resource and forestry schools, other Federal
 10 agencies, and other interested parties in assisting the
 11 State in coordinating ecological and economic research, in-
 12 cluding—

13 (1) research on ecosystem health, forest man-
 14 agement, product development, economics, and relat-
 15 ed fields;

16 (2) research to help achieve the principles of
 17 sustainability described in section 3 as recommended
 18 by the Northern Forest Lands Council;

19 (3) technology transfer to the wood products in-
 20 dustry on efficient processing, pollution prevention,
 21 and energy conservation;

22 (4) dissemination of existing and new informa-
 23 tion to landowners, public and private resource man-
 24 agers, State forest citizen advisory committees, and
 25 the general public through professional associations,

1 publications, and other information clearinghouse ac-
 2 tivities; and

3 (5) analysis of strategies for the protection of
 4 areas of outstanding ecological significance, high bio-
 5 diversity, and the provision of important recreational
 6 opportunities, including strategies for areas identi-
 7 fied through State land acquisition planning proc-
 8 esses.

9 **SEC. 5. INTERSTATE COORDINATION STRATEGY.**

10 At the request of the Governors of the States of
 11 Maine, New Hampshire, New York, and Vermont, the Sec-
 12 retary of Agriculture (acting through the Chief of the For-
 13 est Service) may make a representative of the State and
 14 Private Forest Program available to meet with representa-
 15 tives of the States to coordinate the implementation of
 16 Federal and State policy recommendations issued by the
 17 Northern Forest Lands Council and other policies agreed
 18 to by the States.

19 **SEC. 6. LAND CONSERVATION.**

20 (a) **FEDERAL ASSISTANCE.**—At the request of the
 21 Governor of the State of Maine, New Hampshire, Ver-
 22 mont, or New York, the Secretary of Agriculture (acting
 23 through the Chief of the Forest Service) and the Secretary
 24 of the Interior (acting through the Director of the Na-
 25 tional Park Service and Director of the United States Fish

1 and Wildlife Service) may provide technical and financial
 2 assistance for a State-managed public land acquisition
 3 planning process and land acquisition initiatives directed
 4 by the State that employ a variety of conservation tools.

5 (b) PROGRAM DEVELOPMENT.—The planning proc-
 6 ess for a State described in subsection (a) shall establish
 7 a goal-oriented land conservation program that includes—

8 (1) identification of, and setting of priorities for
 9 the acquisition of, fee or less-than-fee interests in ex-
 10 ceptional and important lands, in accordance with
 11 criteria that include—

12 (A) places offering outstanding rec-
 13 reational opportunities, including locations for
 14 hunting, fishing, trapping, hiking, camping, and
 15 other forms of back-country recreation;

16 (B) recreational access to river and lake
 17 shorelines;

18 (C) land supporting vital ecological func-
 19 tions and values;

20 (D) habitats for rare, threatened, or en-
 21 dangered natural communities, plants, and
 22 wildlife;

23 (E) areas of outstanding scenic value and
 24 significant geological features; and

1 (F) working private forest lands that are
2 of such significance or so threatened by conver-
3 sion that conservation easements should be pur-
4 chased;

5 (2) acquisition of land and interests in land
6 only from willing sellers, with community support
7 consistent with Federal, State, and local laws appli-
8 cable in each State on the date of enactment of this
9 Act;

10 (3) involvement of local governments and land-
11 owners in the planning process in a meaningful way
12 that acknowledges their concerns about public land
13 acquisition;

14 (4) recognition that zoning, while an important
15 land use mechanism, is not an appropriate substi-
16 tution for acquisition;

17 (5) assurances that unilateral eminent domain
18 will be used only with the consent of the landowner
19 to clear title and establish purchase prices;

20 (6) efficient use of public funds by purchasing
21 only the rights necessary to best identify and protect
22 exceptional values;

23 (7) consideration of the potential impacts and
24 benefits of land and easement acquisition on local
25 and regional economies;

1 (8) consideration of the necessity of including
 2 costs of future public land management in the as-
 3 sessment of overall costs of acquisition;

4 (9) minimization of adverse tax consequences to
 5 municipalities by making funds available to continue
 6 to pay property taxes based at least on current use
 7 valuation of parcels acquired, payments in lieu of
 8 taxes, user fee revenues, or other benefits, where ap-
 9 propriate;

10 (10) identification of the potential for exchang-
 11 ing public land for privately held land of greater
 12 public value; and

13 (11) assurances that any land or interests in-
 14 land that are acquired are used and managed for
 15 their intended purposes.

16 (c) WILLING SELLER.—No Federal funds made
 17 available to carry out this Act may be expended for acqui-
 18 sition of private or public property unless the owner of
 19 the property willingly offers the property for sale.

20 (d) LAND ACQUISITION.—

21 (1) FUNDING.—After completion of the plan-
 22 ning process under subsection (b), a Federal and
 23 State cooperative land acquisition project under this
 24 Act may be carried out with funding provided exclu-
 25 sively by the Federal Government or with funding

1 provided by both the Federal Government and a
2 State government.

3 (2) OBJECTIVES.—A cooperative land acquisi-
4 tion project funded under this Act shall promote
5 State land conservation objectives that correspond
6 with Federal goals and the recommendations of the
7 Northern Forest Lands Council.

8 (e) COMPLEMENTARY PROGRAM.—The Secretary of
9 the Interior shall conduct activities under this section as
10 a complement to the State Comprehensive Outdoor Recre-
11 ation Plan for each Northern Forest State in existence
12 on the date of enactment of this section.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There are authorized to be
15 appropriated under sections 5 and 6 of the Land
16 and Water Conservation Fund Act of 1965 (16
17 U.S.C. 460l–7, 460l–8) such sums as are necessary
18 to carry out the purposes described in this sub-
19 section.

20 (2) EFFECT ON APPORTIONMENT.—Apportion-
21 ment among the States under section 5(b) of the Act
22 (16 U.S.C. 460l–8(b)) shall be from funds not ap-
23 propriated under paragraph (1).

1 **SEC. 7. SENSE OF CONGRESS CONCERNING FEDERAL TAX**
2 **POLICY.**

3 It is the sense of Congress that—

4 (1) certain Federal tax policies work against
5 the long-term ownership, management, and con-
6 servation of forest land in the Northern Forest re-
7 gion; and

8 (2) Congress and the President should enact
9 additional legislation to address those tax policies as
10 soon as possible.

11 **SEC. 8. LANDOWNER LIABILITY EXEMPTION.**

12 (a) FINDINGS.—Congress finds that—

13 (1) many landowners keep their land open and
14 available for responsible recreation; and

15 (2) private lands help provide important forest-
16 based recreation opportunities for the public in the
17 Northern Forest region.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that States and other interested persons should pur-
20 sue initiatives that—

21 (1) strengthen relief-from-liability laws to pro-
22 tect landowners that allow responsible public rec-
23 reational use of their lands;

24 (2) update relief-from-liability laws to establish
25 hold-harmless mechanisms for landowners that open
26 their land to public use, including provision for pay-

1 ment by the State of the costs of a landowner's de-
2 fense against personal injury suits and of the costs
3 of repairing property damage and removing litter;

4 (3) provide additional reductions in property
5 taxes for landowners that allow responsible public
6 recreational use of their lands;

7 (4) provide for purchases by the State of land
8 in fee and of temporary and permanent recreation
9 easements and leases, including rights of access;

10 (5) foster State and private cooperative recre-
11 ation agreements;

12 (6) create recreation coordinator and landowner
13 liaison and remote ranger positions in State govern-
14 ment to assist in the management of public use of
15 private lands and provide recreation opportunities
16 and other similar services;

17 (7) strengthen enforcement of trespass,
18 antilittering, and antidumping laws;

19 (8) improve recreation user education pro-
20 grams; and

21 (9) improve capacity in State park and recre-
22 ation agencies to measure recreational use (including
23 types, amounts, locations, and concentrations of use)
24 and identify and address trends in use before the
25 trends create problems.

1 **SEC. 9. NONGAME CONSERVATION.**

2 (a) FINDINGS.—Congress finds that—

3 (1) private landowners often manage their lands
4 in ways that produce a variety of public benefits, in-
5 cluding wildlife habitat; and

6 (2) there should be more incentives for private
7 landowners to exceed current forest management
8 standards and responsibilities under Federal laws.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that Congress should make it a priority to consider
11 legislation that creates a funding mechanism to support
12 the conservation of nongame fish and wildlife and associ-
13 ated recreation activities on public and private lands and
14 does not replace, substitute, or duplicate existing laws that
15 support game fish and wildlife.

16 **SEC. 10. WATER QUALITY.**

17 At the request of the Governor of the State of Maine,
18 New Hampshire, New York, or Vermont, the Adminis-
19 trator of the Environmental Protection Agency, in co-
20 operation with the Secretary of Agriculture and the Sec-
21 retary of the Interior, may provide technical and financial
22 assistance to assess water quality trends within the North-
23 ern Forest region.

24 **SEC. 11. RURAL COMMUNITY ASSISTANCE.**

25 (a) IN GENERAL.—At the request of the Governor
26 of the State of Maine, New Hampshire, New York, or Ver-

1 mont, the Secretary of Agriculture may provide technical
 2 and financial assistance to the State, working in partner-
 3 ship with the forest products industry, local communities,
 4 and other interests to develop technical and marketing ca-
 5 pacity within rural communities for realizing value-added
 6 opportunities in the forest products sector.

7 (b) RURAL COMMUNITY ASSISTANCE PROGRAM.—
 8 Sufficient funds from the rural community assistance pro-
 9 gram under subsection (a) shall be directed to support
 10 State-based public and private initiatives to—

11 (1) strengthen partnerships between the public
 12 and private sectors and enhance the viability of rural
 13 communities;

14 (2) develop technical capacity in the utilization
 15 and marketing of value-added forest products; and

16 (3) develop extension capacity in delivering uti-
 17 lization and marketing information to forest-based
 18 businesses.

19 **SEC. 12. NO NEW AUTHORITY TO REGULATE LAND USE.**

20 Nothing in this Act creates new authority in any Fed-
 21 eral agency to regulate the use of private or public land
 22 in any State.

23 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

24 There are authorized to be appropriated such sums
 25 as are necessary to carry out sections 3, 4, 5, 6, 10, and

1 11 of this Act and section 2371 of the Rural Economic
2 Development Act of 1990 (7 U.S.C. 6601) in the States
3 of Maine, New Hampshire, New York, and Vermont.

○